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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,198	08/07/2001	Ali Haeri	SS-709-08	1085

7590 03/28/2005

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EXAMINER

SAM, PHIRIN

ART UNIT PAPER NUMBER

2661

DATE MAILED: 03/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/924,198	HAERI ET AL.	
	Examiner	Art Unit	
	Phirin Sam	2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-7 is/are allowed.
- 6) ☒ Claim(s) 1,2 and 8 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


PHIRIN SAM
PRIMARY EXAMINER

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1, 2, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pub. 2002/0163909 hereinafter referred to as "Sarkinen" in view of US Patent 6,157,637 hereinafter referred to as "Galand".

Sarkinen discloses the invention (**claim 1**) as claimed including a method for fetching bandwidth control information about a data packet in a network that is associated with a source or destination IP-address of such data packet, the method comprising the steps of:

(a) parsing an IP-address from an information header in a data packet (see Fig. 3, elements 320 and 330, page 6, lines [0093] to [0096]);

(b) searching for said segment number in at least one of an ordered list of segment numbers and a content-addressable memory (CAM) (see Fig. 3, page 6, lines [0095] to [0097]);

- (c) pointing to a policy lookup table if a match occurs in the step of searching (see Figs. 4 and 6, element 426, 448, 650, page 7, lines [0104], [0106]);
- (d) indexing with said least significant portion of said IP-address into said policy lookup table to find a policy identification value (see Fig. 4, element 445 and 450, page 6, lines [0092], and page 7, lines [0106]).

Sarkinen does not disclose truncating off a least significant portion of the IP address to form a segment number. However, Galand discloses truncating off a least significant portion of said IP-address to form a segment number (see Figs. 9, 12, and 13, col. 8, lines 10-12, and col. 9, lines 25-35). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the truncating off the least significant portion teaching by Galand with Sarkinen. The motivation for doing so would result in an aggregate bandwidth read on column 6, lines 32-34. Therefore, it would have been obvious to combine Galand and Sarkinen to obtain the invention as specified in the claim 1.

Regarding claim 2, Sarkinen discloses the method further comprising the step of:

- (a) using the policy identification value to control a communication bandwidth afforded to the throughput of the data packet (see Fig. 2, element 220, page 6, lines [0092]). Where policer 220 is provided to ensure flow conformance to a maximum allowed peak rate.

Regarding claim 8, Sarkinen discloses a computer network method, comprising the steps of:

- (a) dividing a plurality of data packets into classes that include at least one class for packets exchanged over a computer network by a particular application program (see Figs. 1 and 2, elements 120 and 210, page 6, lines [0090], [0091]);

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- (b) identifying which class each particular one of plurality of packets belongs to on said computer network (see Figs. 1 and 2, elements 120 and 210, page 6, lines [0090], [0091]);
- (c) controlling a delivery rate of an identified particular one of plurality of data packets according to its classification (see Fig. 2, element 220, page 6, lines [0092]);
- (d) parsing an IP-address from an information header in a data packet (see Fig. 3, elements 320 and 330, page 6, lines [0093] to [0096]);
- (e) searching for said segment number in an ordered list of segment numbers (see Fig. 3, page 6, lines [0095] to [0097]);
- (f) pointing to a policy lookup table if a match occurs in the step of searching (see Figs. 4 and 6, element 426, 448, 650, page 7, lines [0104], [0106]);
- (g) indexing with said least significant portion of said IP-address into said policy lookup table to find a policy identification value (see Fig. 4, element 445 and 450, page 7, lines [0106]);

Sarkinen does not disclose truncating off a least significant portion of the IP address to form a segment number. However, Galand discloses truncating off a least significant portion of said IP-address to form a segment number (see Figs. 9, 12, and 13, col. 8, lines 10-12, and col. 9, lines 25-35). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the truncating off the least significant portion teaching by Galand with Sarkinen. The motivation for doing so would result in an aggregate bandwidth read on column 6, lines 32-34. Therefore, it would have been obvious to combine Galand and Sarkinen to obtain the invention as specified in the claim 8.

Allowable Subject Matter

4. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. Claims 4-7 are allowed.

Conclusion


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phirin Sam whose telephone number is (571) 272-3082. The examiner can normally be reached on Mon-Fri, 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T Nguyen can be reached on (571) 272 - 3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully submitted,

Date: March 21, 2005


**PHIRIN SAM
PRIMARY EXAMINER**